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BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for)
Modification of Probation of)
JAMES PAUL JANES, M.D.) NO. L-50497
8708 Owensmouth Ave.)
Canoga Park, CA 91304,)
Petitioner.)

DECISION

This matter came on regularly for hearing before a quorum of a panel of the Medical Quality Review Committee, 14th District, of the Division of Medical Quality, at San Diego, California, on June 14, 1990, at the hour of 2:30 p.m. The panel consisted of Victor Avedian, M.D.; Brian Carroll, public member; Mary Forsyth, public member; Patricia Jablonski, R.N.; Rene Vegas, M.D.; Robin Wedberg, M.D.; and Michael Weisman, M.D., chairperson. Marguerite C. Geftakys, Administrative Law Judge of the Office of Administrative Hearings, presided.

Thomas S. Lazar, Deputy Attorney General, represented the Board of Medical Quality Assurance.

Petitioner James Paul Janes, M.D., appeared in person and represented himself. His current address is 1789 South Road, Camarillo. He resides on the grounds of Camarillo State Hospital, Camarillo, California.

Evidence both oral and documentary having been received and the matter argued and submitted, the members of the panel proceeded to consider the matter. The Administrative Law Judge was present during the panel's consideration of the case. The panel finds the following facts:

I

Petitioner James Paul Janes, M.D., was first licensed by the California Board of Medical Examiners as a physician and surgeon in 1961 under Certificate Number G-6801.

II

Petitioner has the following disciplinary action with the Board:

A. On or about July 21, 1964, the Board suspended petitioner's certificate to practice as a physician and surgeon pursuant to the provisions of Business and Professions Code.

B. On December 16, 1964, "In the Matter of the Suspension of the License of James Paul Janes, M.D.", Case Number OSAC 2461, the Board denied petitioner's Petition for Reinstatement for the reason he had not satisfied the Board, with due regard to the public interest, that his right to practice may be safely reinstated.

C. On July 5, 1966, "In the Matter of the Petition for Reinstatement of the License of James Paul Janes, M.D., under Section 2416 of the Business and Professions Code of the State of California," (No. OSF-5113) petitioner's license to practice as a physician and surgeon was reinstated subject to petitioner being placed on probation for five (5) years under certain terms and conditions.

D. Effective July 8, 1970, "In the Matter of the Petition to Revoke Probation of James Paul Janes, M.D., Respondent," Case Number D-1175 and OLA 2221, petitioner's physician's and surgeon's certificate was revoked for violation of probation, to wit: practicing medicine from June 1, 1967 to October 1969, without obtaining prior approval from the Board. Said order of revocation was stayed and petitioner was again placed on probation for a period of five (5) additional years under certain terms and conditions.

E. Effective June 9, 1975, "In the Matter of the Petition to Revoke Probation of James Paul Janes, M.D., Respondent," Case Numbers D-1574 and L-8196, petitioner's physician's and surgeon's certificate was revoked by reason of his violation of the terms and conditions of his probation, to wit: respondent engaged in the practice of medicine without prior approval of the Board in that he failed to file quarterly reports; prescribed and self-administered Quaalude and Chloral Hydrate; and was convicted twice for driving under the influence of intoxicating liquor and/or drugs.

F. Effective September 21, 1981, "In the Matter of the Petition for Reinstatement of Revoked Certificate of James Paul Janes," Case Number L-24636, the Board denied reinstatement of petitioner's physician's and surgeon's certificate in that he failed to establish he was rehabilitated.

G. Effective November 9, 1987, "In the Matter of the Petition for Reinstatement of Revoked Certificate of James Paul Janes, M.D., Petitioner," Case No. L-41028, petitioner's revoked certificate was reinstated by the Board upon petitioner's showing that he was sufficiently rehabilitated so that restoration of his certificate in a probationary status would not be adverse to the public interest.

III

On or about January 1, 1990, petitioner filed a Petition for Modification for the reduction of his period of probation from ten (10) years to five (5) years and for modification of Condition F to permit petitioner to be prescribed under supervision on hospital wards. Said petition is pending.

IV

Pursuant to the suggestion and prior approval of his probation surveillance officer, petitioner commenced an intensive psychiatric residency at Camarillo State Hospital and Developmental Center on or about September 7, 1989. The Director of Residency Training, who is also the Chief of Professional Education, has recommended petitioner apply for issuance of a DEA license for his work as a psychiatric resident now and for his off-campus training at Wadsworth and Olive View Hospitals thereafter. The Director as well as petitioner's ward supervisor and other colleagues have explicit trust in petitioner's professional integrity.

V

Petitioner's evidence established that he continues to progress steadily and significantly toward rehabilitation. He has participated in the diversion program for the ten (10) years last past and will graduate in one more year. All of his random tests have proven to be negative. He is held in very high regard by his colleagues who have observed him to be completely sober at all times.

DETERMINATION OF ISSUES

I

Petitioner established that he is continuing to make significant and steady progress toward rehabilitation to the extent that it would not be in derogation of the public interest

to permit him to apply for a DEA license and prescribe controlled substances within the course and scope of his residency training at Camarillo, Wadsworth, and Olive View.

II

Respondent failed to establish good cause to reduce the term of his probation.

ORDER

1. The Order of probation in the "Matter of the Petition for Reinstatement of Revoked Certificate of James Paul Janes, M.D., Petitioner," Case No. L-41028, is hereby modified only to the extent that while petitioner is doing his psychiatric residency at Camarillo State Hospital, including off campus duties, Condition (F) shall be modified as follows:

A. Condition (F), to wit:

"Petitioner shall not prescribe, administer, dispense, order or possess any controlled substances as defined in California Uniform Controlled Substances Act," shall be stayed during petitioner's psychiatric residency.

B. During petitioner's psychiatric residency, the following condition shall be in effect:

"Petitioner may apply for a DEA permit, and if it is issued, Petitioner may use said DEA permit to carry out his official duties as a psychiatric resident only.

This condition shall be in effect only as long as he remains in his current psychiatric residency program and shall terminate concurrently therewith, at which time the stay order set forth hereinabove shall be set aside and Condition F as originally imposed shall be reinstated.

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2. All other conditions of the probationary order in Case No. L-41028 shall remain in full force and effect.

This Decision shall become effective on the 18th day of August, 1990.

IT IS SO ORDERED this 19th day of July, 1990.

PANEL OF DISTRICT 14
MEDICAL QUALITY REVIEW COMMITTEE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By: *Michael Weisman*
MICHAEL WEISMAN, M.D.
Chairperson

MCG:mh